

**COMBINED DECLARATION AND POWER OF ATTORNEY  
FOR PATENT APPLICATION**

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am an original, first and joint inventor of the subject matter that is claimed and for which a utility patent is sought on the invention entitled:

**TREATMENT OF INFLAMMATORY BOWEL DISEASE USING GROWTH FACTORS**

the specification of which was filed on **November 6, 2001**, given United States Serial No. **09/992,840** and bearing Attorney Docket No. 15966-557A (CURA-57A).

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

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Appln. Number	Country (if PCT, so indicate)	Filing Date (dd/mm/yy )	Priority Claimed	
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**Confirmation No.: 7261**  
**Filed: November 6, 2001**


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<b>Application No.</b> <i>(U.S.S.N.)</i>	<b>Filing Date</b> <i>(dd/mm/yy)</i>	<b>Status</b> <i>(Patented, Pending, Abandoned)</i>
60/246,206	06/11/00	Abandoned

I hereby appoint the attorneys and/or agents associated with Mintz Levin Cohn Ferris Glovsky & Popeo, Customer Number 30623 and Wendy Davis, Reg. No. 38,427, Kausalya Santhanam, Reg. No. 53, 552, Edward Timmer, Reg. No. 46,248, and George Yahwak, Reg. No. 26,824, all of CuraGen Corporation, 555 Long Wharf Drive, 9<sup>th</sup> Floor, New Haven, CT 06511 to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith.

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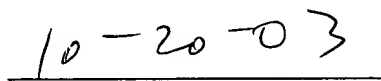
  
**Inventor's Signature: Michael Jeffers**

Full Name of Inventor: Michael E. Jeffers

Citizenship: United States

Residence: 14 Flax Mill Hollow, Branford, CT 06405

Post Office Address: Same

  
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**Inventor's Signature: Richard Shimkets**

Full Name of Inventor: Richard A. Shimkets, Ph.D.  
Citizenship: United States  
Residence: 5 Indian Meadows Drive, Guilford, CT 06437  
Post Office Address: Same

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**Inventor's Signature: Sudhirdas Prayaga**

Full Name of Inventor: Sudhirdas K. Prayaga, Ph.D.  
Citizenship: India  
Residence: 7365 Macleod Lane, O'Fallon, MO 63366  
Post Office Address: Same

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**Inventor's Signature: Ferenc Boldog**

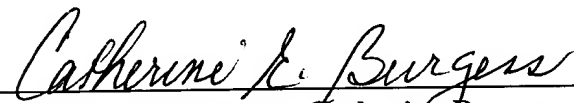
Full Name of Inventor: Ferenc L. Boldog, Ph.D.  
Citizenship: Hungarian  
Residence: 1687 Hartford Turnpike, North Haven, CT 06473  
Post Office Address: Same

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**Inventor's Signature: Meijia Yang**

Full Name of Inventor: Meijia Yang, Ph.D.  
Citizenship: United States  
Residence: 6 Catbird Lane, East Lyme, CT 06533  
Post Office Address: Same

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**Inventor's Signature: Catherine Burgess**

Full Name of Inventor: Catherine E. Burgess, Ph.D.  
Citizenship: United States  
Residence: 90 Carriage Hill Drive, Wethersfield, CT 06109  
Post Office Address: Same

10/21/03  
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**Inventor's Signature: Elma Fernandes**  
Full Name of Inventor: Elma R. Fernandes, Ph.D.  
Citizenship: India  
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**Inventor's Signature: Juliette Shimkets**  
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**Inventor's Signature: William LaRochelle**  
Full Name of Inventor: William J. LaRochelle  
Citizenship: United States  
Residence: 15 Devonshire Lane, Madison, CT 06443  
Post Office Address: Same

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**Inventor's Signature: Henri Lichenstein**  
Full Name of Inventor: Henri S. Lichenstein, Ph.D.  
Citizenship: United States  
Residence: 88 Greenbrier Drive, Guilford, CT 06437  
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**Inventor's Signature: Sudhirdas Prayaga**

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Full Name of Inventor: Sudhirdas K. Prayaga, Ph.D.  
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**Inventor's Signature: William LaRochelle**

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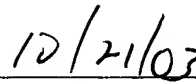
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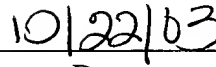
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<b>Application No.</b> <i>(U.S.S.N.)</i>	<b>Filing Date</b> <i>(dd/mm/yy)</i>	<b>Status</b> <i>(Patented, Pending, Abandoned)</i>
60/246,206	06/11/00	Abandoned

I hereby appoint the attorneys and/or agents associated with Mintz Levin Cohn Ferris Glovsky & Popeo, Customer Number 30623 and Wendy Davis, Reg. No. 38,427, Kausalya Santhanam, Reg. No. 53, 552, Edward Timmer, Reg. No. 46,248, and George Yahwak, Reg. No. 26,824, all of CuraGen Corporation, 555 Long Wharf Drive, 9<sup>th</sup> Floor, New Haven, CT 06511 to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith.

Address all telephone calls to Ivor Elrifi at telephone number 617/348-1747.  
Address all correspondence to Customer Number 30623.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or patent issued thereon.

**Inventor's Signature: Michael Jeffers**  
Full Name of Inventor: Michael E. Jeffers  
Citizenship: United States  
Residence: 14 Flax Mill Hollow, Branford, CT 06405  
Post Office Address: Same

\_\_\_\_\_  
Date

**Confirmation No.: 7261**  
**Filed: November 6, 2001**

**Inventor's Signature: Richard Shimkets**

\_\_\_\_\_  
Date

Full Name of Inventor: Richard A. Shimkets, Ph.D.  
Citizenship: United States  
Residence: 5 Indian Meadows Drive, Guilford, CT 06437  
Post Office Address: Same

**Inventor's Signature: Sudhirdas Prayaga**

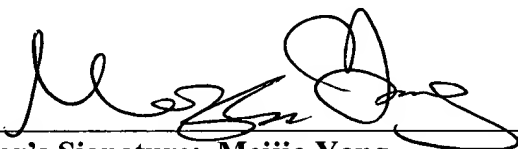
\_\_\_\_\_  
Date

Full Name of Inventor: Sudhirdas K. Prayaga, Ph.D.  
Citizenship: India  
Residence: 7365 Macleod Lane, O'Fallon, MO 63366  
Post Office Address: Same

**Inventor's Signature: Ferenc Boldog**

\_\_\_\_\_  
Date

Full Name of Inventor: Ferenc L. Boldog, Ph.D.  
Citizenship: Hungarian  
Residence: 1687 Hartford Turnpike, North Haven, CT 06473  
Post Office Address: Same



**Inventor's Signature: Meijia Yang**

5/20/04

\_\_\_\_\_  
Date

Full Name of Inventor: Meijia Yang, Ph.D.  
Citizenship: United States  
Residence: 6 Catbird Lane, East Lyme, CT 06533  
Post Office Address: Same

**Inventor's Signature: Catherine Burgess**

\_\_\_\_\_  
Date

Full Name of Inventor: Catherine E. Burgess, Ph.D.  
Citizenship: United States  
Residence: 90 Carriage Hill Drive, Wethersfield, CT 06109  
Post Office Address: Same

**Confirmation No.: 7261**  
**Filed: November 6, 2001**

---

**Inventor's Signature: Elma Fernandes**

---

Date

Full Name of Inventor: Elma R. Fernandes, Ph.D.

Citizenship: India

Residence: 77 Florence Road, #2B, Branford, CT 06405

Post Office Address: Same

---

**Inventor's Signature: Beth Rittman**

---

Date

Full Name of Inventor: Beth Rittman

Citizenship: United States

Residence: 156 Halls Hill Rd., #5, Colchester, CT 06415

Post Office Address: Same

---

**Inventor's Signature: Juliette Shimkets**

---

Date

Full Name of Inventor: Juliette B. Shimkets

Citizenship: United States

Residence: 5 Indian Meadows Drive, Guilford, CT 06437

Post Office Address: Same

---

**Inventor's Signature: William LaRochelle**

---

Date

Full Name of Inventor: William J. LaRochelle

Citizenship: United States

Residence: 15 Devonshire Lane, Madison, CT 06443

Post Office Address: Same

---

**Inventor's Signature: Henri Lichenstein**

---

Date

Full Name of Inventor: Henri S. Lichenstein, Ph.D.

Citizenship: United States

Residence: 88 Greenbrier Drive, Guilford, CT 06437

Post Office Address: Same



**COMBINED DECLARATION AND POWER OF ATTORNEY  
FOR PATENT APPLICATION**

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am an original, first and joint inventor of the subject matter that is claimed and for which a utility patent is sought on the invention entitled:

**TREATMENT OF INFLAMMATORY BOWEL DISEASE USING GROWTH FACTORS**

the specification of which was filed on **November 6, 2001**, given United States Serial No. **09/992,840** and bearing Attorney Docket No. 15966-557A (CURA-57A).

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information that is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, §1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, §119(a)-(d) or §365(b) of any foreign application(s) for patent or inventor's certificate, or §365(a) of any PCT International application designating at least one country other than the United States listed below and have also identified below any foreign application for patent or inventor's certificate or PCT International application having a filing date before that of the application on which priority is claimed.

Appln. Number	Country (if PCT, so indicate)	Filing Date (dd/mm/yy)	Priority Claimed	
			Yes	No
			<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>

**Confirmation No.: 7261**

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**Inventor's Signature: Michael Jeffers**

Full Name of Inventor: Michael E. Jeffers

Citizenship: United States

Residence: 14 Flax Mill Hollow, Branford, CT 06405

Post Office Address: Same

Date

Confirmation No.: 7261  
Filed: November 6, 2001

**Inventor's Signature: Richard Shimkets**

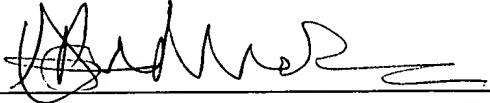
Full Name of Inventor: Richard A. Shimkets, Ph.D.

Citizenship: United States

Residence: 5 Indian Meadows Drive, Guilford, CT 06437

Post Office Address: Same

Date



5 / 12 / 2004

Date

**Inventor's Signature: Sudhirdas Prayaga**

Full Name of Inventor: Sudhirdas K. Prayaga, Ph.D.

Citizenship: India

Residence: 7365 Macleod Lane, O'Fallon, MO 63366

Post Office Address: Same

**Inventor's Signature: Ferenc Boldog**

Full Name of Inventor: Ferenc L. Boldog, Ph.D.

Citizenship: Hungarian

Residence: 1687 Hartford Turnpike, North Haven, CT 06473

Post Office Address: Same

Date

**Inventor's Signature: Meijia Yang**

Full Name of Inventor: Meijia Yang, Ph.D.

Citizenship: United States

Residence: 6 Catbird Lane, East Lyme, CT 06533

Post Office Address: Same

Date

**Inventor's Signature: Catherine Burgess**

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Citizenship: United States

Residence: 90 Carriage Hill Drive, Wethersfield, CT 06109

Post Office Address: Same

Date

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**Inventor's Signature: Elma Fernandes**  
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Citizenship: India  
Residence: 77 Florence Road, #2B, Branford, CT 06405  
Post Office Address: Same

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Date

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**Inventor's Signature: Beth Rittman**  
Full Name of Inventor: Beth Rittman  
Citizenship: United States  
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Post Office Address: Same

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Date

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**Inventor's Signature: Juliette Shimkets**  
Full Name of Inventor: Juliette B. Shimkets  
Citizenship: United States  
Residence: 5 Indian Meadows Drive, Guilford, CT 06437  
Post Office Address: Same

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Date

---

**Inventor's Signature: William LaRochelle**  
Full Name of Inventor: William J. LaRochelle  
Citizenship: United States  
Residence: 15 Devonshire Lane, Madison, CT 06443  
Post Office Address: Same

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Date

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**Inventor's Signature: Henri Lichenstein**  
Full Name of Inventor: Henri S. Lichenstein, Ph.D.  
Citizenship: United States  
Residence: 88 Greenbrier Drive, Guilford, CT 06437  
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**COMBINED DECLARATION AND POWER OF ATTORNEY  
FOR PATENT APPLICATION**

As a below named inventor, I hereby declare that:

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**Confirmation No.: 7261**

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**Date**

Full Name of Inventor: Michael E. Jeffers

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Residence: 14 Flax Mill Hollow, Branford, CT 06405

Post Office Address: Same

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**Filed: November 6, 2001**

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**Inventor's Signature: Richard Shimkets**

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Date

Full Name of Inventor: Richard A. Shimkets, Ph.D.

Citizenship: United States

Residence: 5 Indian Meadows Drive, Guilford, CT 06437

Post Office Address: Same

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**Inventor's Signature: Sudhirdas Prayaga**

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Date

Full Name of Inventor: Sudhirdas K. Prayaga, Ph.D.

Citizenship: India

Residence: 7365 Macleod Lane, O'Fallon, MO 63366

Post Office Address: Same

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**Inventor's Signature: Ferenc Boldog**

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Date

Full Name of Inventor: Ferenc L. Boldog, Ph.D.

Citizenship: Hungarian

Residence: 1687 Hartford Turnpike, North Haven, CT 06473

Post Office Address: Same

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**Inventor's Signature: Meijia Yang**

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Date

Full Name of Inventor: Meijia Yang, Ph.D.

Citizenship: United States

Residence: 6 Catbird Lane, East Lyme, CT 06533

Post Office Address: Same

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**Inventor's Signature: Catherine Burgess**

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Date

Full Name of Inventor: Catherine E. Burgess, Ph.D.

Citizenship: United States

Residence: 90 Carriage Hill Drive, Wethersfield, CT 06109

Post Office Address: Same

**Confirmation No.: 7261**

**Filed: November 6, 2001**

**Inventor's Signature: Elma Fernandes**

Full Name of Inventor: Elma R. Fernandes, Ph.D.

Citizenship: India

Residence: 77 Florence Road, #2B, Branford, CT 06405

Post Office Address: Same

\_\_\_\_\_  
Date



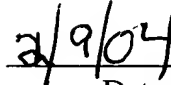
**Inventor's Signature: Beth Rittman**

Full Name of Inventor: Beth Rittman

Citizenship: United States

Residence: 156 Halls Hill Rd., #5, Colchester, CT 06415

Post Office Address: Same

  
\_\_\_\_\_  
Date

**Inventor's Signature: Juliette Shimkets**

Full Name of Inventor: Juliette B. Shimkets

Citizenship: United States

Residence: 5 Indian Meadows Drive, Guilford, CT 06437

Post Office Address: Same

\_\_\_\_\_  
Date

**Inventor's Signature: William LaRochelle**

Full Name of Inventor: William J. LaRochelle

Citizenship: United States

Residence: 15 Devonshire Lane, Madison, CT 06443

Post Office Address: Same

\_\_\_\_\_  
Date

**Inventor's Signature: Henri Lichenstein**

Full Name of Inventor: Henri S. Lichenstein, Ph.D.

Citizenship: United States

Residence: 88 Greenbrier Drive, Guilford, CT 06437

Post Office Address: Same

\_\_\_\_\_  
Date

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**APPLICANT:** Fernandes, et al.  
**SERIAL NUMBER:** 09/992840      **ART UNIT:** 1645  
**FILING DATE:** November 6, 2001      **EXAMINER:** unknown  
**FOR:** TREATMENT OF INFLAMMATORY BOWEL DISEASE GROWTH FACTORS

**DECLARATION IN SUPPORT OF 37 CFR 1.47 FILING**

I, NICOLE Carlucci, declare that:

- (1) I am employed as a Legal Specialist in the Intellectual Property Office of CuraGen Corporation; have a mailing address at CuraGen Corporation, 555 Long Wharf Drive, New Haven, Connecticut 06511; and am responsible for seeing that the combined Declaration and Power of Attorney, and Assignment documents for patent applications filed on behalf of CuraGen's employees are fully executed and filed with the United States Patent and Trademark Office;
- (2) CuraGen Corporation contracted with the Boston, Massachusetts law firm of Mintz, Levin, Cohn, Ferris, Glovsky and Popeo, P.C., to prepare and file the above-captioned United States patent application on its behalf;
- (3) Elma Fernandes ("FERNANDES") is a named inventor for the subject matter described in the above-captioned patent application;
- (4) FERNANDES was employed by CuraGen Corporation from November 2, 1998, until her termination effective April 25<sup>th</sup> 2002;
- (5) At the time of FERNANDES employment she executed an Agreement in which she agreed to assign her "full right, title and interest in and to all inventions" to CuraGen Corporation, and agreed "to execute any and all applications for domestic and foreign patents, copyrights or other proprietary rights and to do such other acts ... requested by Company to assign the

Inventions to the Company and permit the Company to file, obtain and enforce any patents, copyrights or other proprietary rights in the Inventions" (this obligation is contained in paragraph 1 of the attached true copy of the Employee Confidential Information and Invention Agreement as executed by FERNANDES on November 2, 1998.

- (6) On May 3, 2004, I sent FERNANDES a letter, a true copy of which is attached hereto, enclosing a photocopy of the above-captioned United States patent application as filed, a Combined Declaration and Power of Attorney and an Assignment document for execution in accordance with her obligations to execute the same under the terms of her November 2<sup>nd</sup> 1998 Agreement;
- (7) Multiple attempts were made to deliver the package to FERNANDES. All were unsuccessful. On May 20, a final attempt was made and the post office has sent it back unclaimed as indicated on the attached photocopy of the Package.
- (8) As of today, June 22, 2004 we have been able to locate Fernandes or another address for her. Since we have been unable to successfully locate FERNANDES to execute the necessary documents we ask that she be removed as an inventor from the above-mentioned application.

All statements made in this Declaration are true, and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Title 18, Section 1001 of the United States Code, and that any such willful false statement may jeopardize the validity of any United States Letters Patent resulting from the above-captioned United States patent application.

Dated this 22nd day of June 2004 by: Nicole Carlucci  
Nicole Carlucci



**CuraGen**  
Corporation

Intellectual Property Department  
555 Long Wharf Drive, 9th Floor  
New Haven, CT 06511  
(203) 401-3330  
(203) 401-3351 Fax  
www.curagen.com

May 3, 2004

**CERTIFIED MAIL**

Elma Fernandes  
232 Mcauliffe Ct  
Somerset, NJ 08873-1764

**Re: Assignments & Combine Declaration**

Dear Elma:

Enclosed, please find Assignments and Combined Declaration and Power of Attorney for the following cases: Cura 57A. In order for CuraGen to continue prosecution for this case, we ask that you complete the following:

- Review the documents
- Execute where indicated with blue ink

Please return the executed documents to me as soon as possible, no later than Monday, May 10, 2003 via FEDEX to CuraGen Corporation 555 Long Wharf Drive New Haven, CT. 06511 (CuraGen account no. 2264-2089-4)(return envelope enclosed), charging the service to us.

We appreciate your assistance and apologize for any inconvenience. But as you may recall from your time at CuraGen, this is a legal requirement and we have no choice but to ask you to execute these documents. Thanks for all your help and if you have any concerns or questions, please let me know.

Sincerely,

Nicole Carlucci  
Legal Specialist

PLEASE STICKER IN FRONT OF ENVELOPE TO THE RIGHT  
OF THE RETURN ADDRESS. NO POSTAGE NEEDED.

**CERTIFIED MAIL**



91 7108 2133 3930 1259 0465

1  
Mintz Levin  
CuraGen Corporation Dept.  
Intellectual Property Dept.  
555 Long Wharf Drive 9th Floor  
New Haven, CT 06511

~~Elma Fernandez~~  
~~232 McAuliffe Ct~~  
~~Somerset, NJ 08853-1964~~

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<p>1. Article Addressed to:</p> <p><i>Elma Fernandez</i> <i>232 McAuliffe Ct</i> <i>Somerset NJ</i> <i>08853-1964</i></p>		<p>A. Signature <input checked="" type="checkbox"/> Agent</p> <p>B. Received by (Printed Name) <input type="checkbox"/> Addressee</p> <p>C. Date of Delivery</p>	
<p>2. Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</p> <p>Print your name and address on the reverse so that we can return the card to you.</p> <p>Attach this card to the back of the mailpiece, or on the front if space permits.</p>		<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>(If YES, enter delivery address below: <input type="checkbox"/> No</p>	
<p>3. Service Type</p> <p><input type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail</p> <p><input type="checkbox"/> Restricted <input type="checkbox"/> Return Receipt for Merchandise</p>			



*CuraGen Corporation*

**EMPLOYEE CONFIDENTIAL INFORMATION  
AND INVENTION AGREEMENT**

Whereas, Elma Fernandez<sup>5</sup> (the "Employee") is about to enter or continue in the employ of the CuraGen Corporation, a Delaware corporation having its principal place of business at 555 Long Wharf Drive, New Haven, CT 06511 (the "Company"), and in such employment will or may become informed as to many of its procedural, commercial and technical needs, problems, developments and projects, as well as activities directed thereto,

In consideration of said employment being given or continued and the compensation therein, it is agreed as follows:

**PATENTS, COPYRIGHTS AND INTELLECTUAL PROPERTY**

1. Employee shall promptly disclose to the Company all Inventions. Inventions shall mean, for purposes of this paragraph, inventions, discoveries, developments, methods and processes (whether or not patentable or copyrightable or constituting trade secrets) conceived, made or discovered by Employee (whether alone or with others) while employed by the Company and that relate, directly or indirectly, to the past, present, or future business activities, research, product design or development, personnel, and business opportunities of the Company, or result from tasks assigned to Employee by the Company or done by Employee for or on behalf of the Company. Employee hereby assigns and agrees to assign to the Company (or as otherwise directed by the Company) his full right, title and interest in and to all Inventions. Employee agrees to execute any and all applications for domestic and foreign patents, copyrights or other proprietary rights and to do such other acts (including, among others, the execution and delivery of instruments of further assurance or confirmation) requested by the Company to assign the Inventions to the Company and to permit the Company to file, obtain and enforce any patents, copyrights or other proprietary rights in the Inventions. Employee agrees to make and maintain adequate and current written records of all Inventions, in the form of notes, sketches, drawings, or reports relating thereto, which records shall be and remain the property of and available to the Company at all times.

2. All designs, ideas, inventions, improvements, and other creations made or owned by Employee before becoming an employee of the Company and which Employee desire to exempt from this Agreement are listed on Attachment A hercof and authorized for exclusion by the signature of an Officer of the Company. (If Employee does not have any such designs, ideas, inventions, improvements, or other creations write "none" on this line: \_\_\_\_\_)

*See Attachment A*

3. Employee agrees to notify the Company in writing before Employee makes any disclosure or performs or causes to be performed any work for or on behalf of the Company, which appears to threaten or conflict with (a) rights Employee claims in any invention or idea conceived by Employee or others prior to Employee's employment, or (ii) otherwise outside the

scope of this Agreement; or (b) rights of others arising out of obligations incurred by Employee (i) prior to this Agreement, or (ii) otherwise outside the scope of this Agreement. In the event of Employee's failure to give notice under the circumstances specified, the Company may assume that no such conflicting invention or idea exists and Employee agrees that Employee will make no claim against the Company with respect to the use of any such invention or idea in any work which Employee performs or causes to be performed for or on behalf of the Company.

## **PROPRIETARY AND TRADE SECRET INFORMATION**

4. (a) The Employee agrees that he will keep confidential and will not make any unauthorized use or disclosure, or use for his own benefit or the benefit of others, during or subsequent to his employment of any research, development, engineering and manufacturing data, plans, designs, formulae, processes, specifications, techniques, trade secrets, financial information, customer or supplier lists or other information that becomes known to him as a result of his employment with the Company which is the property of the Company or any of its clients, customers, consultants, licensors, licensees, or affiliates, provided nothing herein shall be construed to prevent Employee from using his general knowledge and skill after termination of his employment whether acquired prior to or during his employment by the Company.

(b) Proprietary information subject to paragraph 4(a) does not include information that: (i) is or later become available to the public through no breach of this Agreement by the Employee; (ii) is obtained by the Employee from a third party who had the legal right to disclose the information to the Employee; or (iii) is required to be disclosed by law, government regulation, or court order.

5. During the course of his employment with the Company, the Employee will not accept information from sources outside of the Company which is designated as "Confidential," or "Proprietary," or "Trade Secret" without prior written permission from the Company or its attorneys. The Employee is not expected to and is expressly forbidden by the Company policy from disclosing to the Company "Trade Secret" or "Confidential" or "Proprietary" information from a former employer.

6. During his employment, or upon leaving the employment of the Company, the Employee will not remove from the Company premises, either directly or indirectly, any drawings, writings, prints, any documents or anything containing, embodying, or disclosing any confidential or proprietary information or any of the Company's trade secrets unless express written permission is given by the Company management. Upon termination of his employment, Employee shall return to the Company any and all documents and materials that are the property of the Company or its customers, licensees, licensors or affiliates or which contain information that is the property of the Company.

## **COMPETITIVE ACTIVITIES**

7. (a) While in the employ of the Company and for a period of one year or the maximum period permitted by applicable law (whichever is shorter) following termination of his

employment with the Company, Employee shall not, without the approval of the Company, alone or as a partner, officer, director, consultant, employee, stockholder or otherwise, engage in any employment, consulting or business activity or occupation that is or is intended to be competitive with the business of the Company, as being considered, researched, developed, marketed and/or sold at the time of termination; provided, however, that the holding by Employee of any investment in any security shall not be deemed to be a violation of this Section 7 if such investment does not constitute over one percent (1%) of the outstanding issue of such security. This restriction shall run for a period of one year after said termination, and if there shall be any violation hereof during said period, then for a period of one year after cessation of such violation.

(b) While in the employ of the Company, Employee shall promptly notify the Company, if Employee, alone or as a partner, officer, director, consultant, employee, stockholder or otherwise, engages in any employment, consulting or business activity or occupation outside his employment by the Company.

(c) You agree that you will provide, and that the Company may similarly provide in its discretion, a copy of this Agreement to any business or enterprise which you may directly, or indirectly, own, manage, operate, finance, join, control or in which you participate in the ownership, management, operation, financing, or control, or with which you may be connected as an officer, director, employee, partner, principal, agent, representative, consultant or otherwise.

#### **GENERAL**

8. This Agreement shall be binding upon and inure to the benefit of the parties and their respective legal representatives, successors and permitted assigns. The Employee agrees that the Company may assign this Agreement to any person or entity controlled by, in control of, or under common control with, the Company.

9. This Agreement constitutes the entire agreement between the parties as to the subject matter hereof. No provision of this Agreement shall be waived, altered or canceled except in writing signed by the party against whom such waiver, alteration or cancellation is asserted. Any such waiver shall be limited to the particular instance and the particular time when and for which it is given.

10. This Agreement shall be governed by and construed in accordance with the laws of the State of Connecticut.

11. The invalidity or unenforceability of any provision hereof as to an obligation of a party shall in no way affect the validity or enforceability of any other provision of this Agreement, provided that if such invalidity or unenforceability materially adversely affects the benefits the other party reasonably expected to receive hereunder, that party shall have the right to terminate this Agreement. Moreover, if one or more of the provisions contained in this Agreement shall for any reason be held to be excessively broad as to scope, activity or subject so as to be unenforceable at law, such provision or provision shall be construed by limiting or

reducing it or them, so as to be enforceable to the extent compatible with the applicable law as it shall then appear.

IN WITNESS WHEREOF, I have duly executed this Agreement as of this 2<sup>nd</sup>  
day of November, 1998

Employee Name: Elma Fernandez

Employee Signature: 

Address: 77 FLORENCE RD. #28  
BRANFORD CT 06405

Attachment A

Research relating to the following genes

1. EL4F
2. ELF-2
3. RHOMBOTIN-2
4. Bob1

and derived from initial research relating to these genes.

*Elma R. Fernandes*

11/2/98

ELMA R. FERNANDES